

# EXHIBIT A



- A-12 10/13/2017 Refusal Letter from Texas Department of Insurance
- A-13 10/27/2017 Request for Citation to First Mercury Insurance Company
- A-14 10/30/2017 Defendants The Travelers Lloyds Insurance Company and The Travelers Indemnity Company's Answer to Plaintiff's Original Petition

# EXHIBIT A-1

## Case Information

DC-17-11313 | LIBERTY INSURANCE UNDERWRITERS INC. vs. FIRST MERCURY INSURANCE et al

|             |                     |                  |
|-------------|---------------------|------------------|
| Case Number | Court               | Judicial Officer |
| DC-17-11313 | 95th District Court | MOLBERG, KEN     |
| File Date   | Case Type           | Case Status      |
| 08/31/2017  | INSURANCE           | OPEN             |

## Party

### PLAINTIFF

LIBERTY INSURANCE UNDERWRITERS INC.

#### Active Attorneys▼

Lead Attorney  
SEWELL, KEVIN  
LAMAR  
Retained

#### Work Phone

214-420-5500

#### Fax Phone

214-420-5501

### DEFENDANT

FIRST MERCURY INSURANCE

#### Address

TEXAS COMMISSIONER OF INSURANCE  
333 GUADALUPE  
AUSTIN TX 78714

### DEFENDANT

TRAVELERS LLOYDS INSURANCE COMPANY

#### Address

211 EAST 7TH STREET SUITE 620  
AUSTIN TX 78701

Address  
CORPORATION SERVICE COMPANY  
211 EAST 7TH STREET SUITE 620  
AUSTIN TX 78701

## Events and Hearings

08/31/2017 NEW CASE FILED (OCA) - CIVIL

08/31/2017 ORIGINAL PETITION ▼

ORIGINAL PETITION

Case Info Sheet.pdf

09/06/2017 NOTE - ADMINISTRATOR ▼

Comment

Set for initial dismissal (service/default): November 2, 2017.

Notice faxed to counsel.

09/13/2017 REQUEST FOR SERVICE ▼

REQUEST

09/13/2017 ISSUE CITATION ▼

Comment

ESERVE

09/13/2017 ISSUE CITATION COMM OF INS OR SOS ▼

Comment

ATTY PAYED EXTRA \$4

09/14/2017 CITATION ISSUED ▼

DC-17-11313-2.pdf

DC-17-11313.pdf

Anticipated Server  
ESERVE

Anticipated Method  
Anticipated Server  
ESERVE

Anticipated Method  
Actual Server  
PRIVATE PROCESS SERVER

Returned  
10/10/2017  
Anticipated Server  
ESERVE

Anticipated Method  
Actual Server  
PRIVATE PROCESS SERVER

Returned  
10/10/2017

10/09/2017 CORRESPONDENCE - LETTER TO FILE ▼

FMIC citation request.pdf

Comment  
PAYED THE \$4 FOR SOS

10/10/2017 RETURN OF SERVICE ▼

TRAVELERS INDEMNITY COMPANY

Comment  
TRAVELERS INDEMNITY COMPANY

10/10/2017 RETURN OF SERVICE ▼

TRAVELERS LLYODS INSURANCE COMPANY

Comment  
TRAVELERS LLYODS INSURANCE COMPANY

10/11/2017 CITATION ISSUED ▼

CITATION ISSUED

10/11/2017 CITATION SOS/COI/COH/HAG ▼

Anticipated Server  
ESERVE

Anticipated Method  
Actual Server  
OUT OF COUNTY

Returned  
10/17/2017

10/13/2017 CORRESPONDENCE - LETTER TO FILE ▼

Refusal letter.pdf

Comment

LETTER TO MARTIN, DISIERE, JEFFERSON & WISDOM, LLP

10/17/2017 RETURN OF SERVICE ▼

FIRST MERCURY

Comment

CIT EXEC 10/12/17 TO FIRST MERCURY INS

10/27/2017 REQUEST FOR SERVICE ▼

REQUEST

10/30/2017 ORIGINAL ANSWER - GENERAL DENIAL ▼

Travelers answer.pdf

11/02/2017 DISMISSAL FOR WANT OF PROSECUTION ▼

Judicial Officer

MOLBERG, KEN

Hearing Time

9:00 AM

## Financial

LIBERTY INSURANCE UNDERWRITERS INC.

Total Financial Assessment

\$327.00

Total Payments and Credits

\$327.00

9/1/2017

Transaction

\$292

Assessment

|            |                                  |                              |  |        |
|------------|----------------------------------|------------------------------|--|--------|
| 9/13/2017  | CREDIT CARD -<br>TEXFILE<br>(DC) | Receipt #<br>56884-2017-DCLK | LIBERTY<br>INSURANCE<br>UNDERWRITERS<br>INC. | (\$24. |
| 9/13/2017  | Transaction<br>Assessment        |                              |  | \$24   |
| 9/13/2017  | CREDIT CARD -<br>TEXFILE<br>(DC) | Receipt #<br>59419-2017-DCLK | LIBERTY<br>INSURANCE<br>UNDERWRITERS<br>INC. | (\$24. |
| 9/27/2017  | Transaction<br>Assessment        |                              |  | \$0    |
| 10/11/2017 | Transaction<br>Assessment        |                              |  | \$4    |
| 10/11/2017 | CREDIT CARD -<br>TEXFILE<br>(DC) | Receipt #<br>66668-2017-DCLK | LIBERTY<br>INSURANCE<br>UNDERWRITERS<br>INC. | (\$4.  |
| 10/30/2017 | Transaction<br>Assessment        |                              |  | \$12   |
| 10/30/2017 | CREDIT CARD -<br>TEXFILE<br>(DC) | Receipt #<br>70816-2017-DCLK | LIBERTY<br>INSURANCE<br>UNDERWRITERS<br>INC. | (\$12. |

## Documents

ORIGINAL PETITION

Case Info Sheet.pdf

REQUEST

DC-17-11313-2.pdf

DC-17-11313.pdf

TRAVELERS INDEMNITY COMPANY

TRAVELERS LLYODS INSURANCE COMPANY

FMIC citation request.pdf

FIRST MERCURY

Refusal letter.pdf

CITATION ISSUED

REQUEST

Travelers answer.pdf

# EXHIBIT A-2

DC-17-11313

CAUSE NO. \_\_\_\_\_

|                                  |   |                                |
|----------------------------------|---|--------------------------------|
| <b>LIBERTY INSURANCE</b>         | § | <b>IN THE DISTRICT COURT</b>   |
| <b>UNDERWRITERS INC.,</b>        | § |                                |
| <b>Plaintiff,</b>                | § |                                |
|                                  | § |                                |
|                                  | § |                                |
| <b>v.</b>                        | § |                                |
|                                  | § |                                |
| <b>FIRST MERCURY INSURANCE</b>   | § | <b>_____ JUDICIAL DISTRICT</b> |
| <b>COMPANY, TRAVELERS LLOYDS</b> | § |                                |
| <b>INSURANCE COMPANY, and</b>    | § |                                |
| <b>TRAVELERS INDEMNITY</b>       | § |                                |
| <b>COMPANY,</b>                  | § |                                |
| <b>Defendants.</b>               | § | <b>DALLAS COUNTY, TEXAS</b>    |

**PLAINTIFF’S ORIGINAL PETITION**

Plaintiff Liberty Insurance Underwriters Inc. (“LIUI”) files this Original Petition against Defendants First Mercury Insurance Company (“FMIC”), Travelers Lloyds Insurance Company (“Travelers Lloyds”), and Travelers Indemnity Company (“Travelers Indemnity”), and would respectfully show the Court as follows:

**I. DISCOVERY LEVEL**

1. LIUI pleads that discovery should be conducted under Level 3 in accordance with Rule 190 of the Texas Rule of Civil Procedure.

**II. PARTIES**

2. Plaintiff LIUI is a corporation organized and existing under the laws of the State of Illinois with its principal place of business in Massachusetts.

3. Defendant FMIC is a corporation organized and existing under the laws of the State of Illinois with its principal place of business in Southfield, Michigan. This defendant may be served with process by serving the Texas Commissioner of Insurance, 333 Guadalupe, P.O.

Box 149104, Austin, Texas 78714, who shall forward a copy of Plaintiff's Original Petition to Marcia M. Paulsen, Vice President, 29621 Northwestern Hwy., Southfield, Michigan 48034.

4. Defendant Travelers Indemnity is a corporation existing under the laws of the State of Connecticut with its principal place of business in Hartford, Connecticut. This defendant may be served with process through its registered agent for service of process, Corporation Service Company, 211 East 7<sup>th</sup> Street, Suite 620, Austin, Texas 78701.

5. Defendant Travelers Lloyds is a corporation existing under the laws of the State of Texas with its principal place of business in Richardson, Texas. This defendant may be served with process through its registered agent for service of process, Corporation Service Company, 211 East 7<sup>th</sup> Street, Suite 620, Austin, Texas 78701.

### **III. JURISDICTION AND VENUE**

6. This court has jurisdiction over this matter because the amount in controversy, exclusive of interest and costs, exceeds this Court's minimum jurisdictional limits.

7. Venue is proper in Dallas County, Texas under Tex. Civ. Prac. & Rem. Code § 15.002(a)(1) because all or a substantial part of the events or omissions giving rise to the claims asserted herein occurred in Dallas County, Texas.

### **IV. FACTS**

#### **A. BACKGROUND**

8. Joe Williamson Construction Company is ("JWCC") is a Texas company operating as a general contractor in the construction business. Plaintiff LIUI is a provider of umbrella liability insurance to JWCC for the policy period August 10, 2006 to August 10, 2007. Defendants are providers of primary commercial general liability insurance to JWCC for

consecutive one-year policy periods from August 10, 2006 to August 6, 2014. JWCC's relevant primary insurance policies are identified in the chart set forth below:

| <b>Policy Period</b> | <b>Insurer</b>      | <b>Policy Type</b> | <b>Policy Limits</b> | <b>Policy No.</b>  |
|----------------------|---------------------|--------------------|----------------------|--------------------|
| 8/10/06 to 8/10/07   | FMIC                | Primary            | \$1M/\$2M/\$2M       | FMFL001966         |
| 8/10/07 to 8/10/08   | FMIC                | Primary            | \$1M/\$2M/\$2M       | FMFL003024         |
| 8/10/08 to 8/10/09   | FMIC                | Primary            | \$1M/\$2M/\$2M       | FMTX004525         |
| 8/10/09 to 8/10/10   | FMIC                | Primary            | \$1M/\$2M/\$2M       | FMTX006103         |
| 8/10/10 to 8/10/11   | Travelers Lloyds    | Primary            | \$1M/\$2M/\$2M       | CO-6816R447-TLC-10 |
| 8/10/11 to 8/10/12   | Travelers Lloyds    | Primary            | \$1M/\$2M/\$2M       | CO-6816R447-TLC-11 |
| 8/10/12 to 8/10/13   | Travelers Lloyds    | Primary            | \$1M/\$2M/\$2M       | CO-6816R447-TLC-12 |
| 8/10/13 to 8/10/14   | Travelers Indemnity | Primary            | \$1M/\$2M/\$2M       | CO-3C180717-IND-13 |

## **B. THE LAWSUIT**

9. JWCC was the general contractor for the construction of the Fine Arts Auditorium Project in Starr County, Texas (the "Project"). The Project was constructed pursuant to a written contract between JWCC and the Roma Independent School District ("RISD"), which was entered into on or about April 25, 2005. The Project consisted of an auditorium, a professional style stage, the RISD television station, drama rooms, mariachi rooms, choir rooms and folkloric rooms for RISD students. JWCC retained various subcontractors to perform work on various aspects of the Project.

10. In 2014, RISD filed a lawsuit against JWCC seeking damages relating to the construction of the Project (the "Lawsuit"). The Lawsuit was styled and numbered *Roma Independent Sch. Dist. v. Joe Williamson Construction*, in the 229th Judicial District Court of Starr County, Texas, Cause No. DC-14-420.

11. In the Lawsuit, RISD alleged and sought damages resulting from a wide variety of construction defects at the Project. Specifically, RISD alleged that JWCC and/or its subcontractors defectively constructed the Project's: (a) storm drainage system; (b) soil grading systems and soil compaction systems; (c) wall drainage system; (d) perimeter wall barrier system; (e) exterior wall drainage plane; (f) CMU walls; (g) metal building girt connection system; (h) interior CMU wall bracing; (i) plumbing systems; (j) fenestration system; (h) HVAC system; and (i) roofing system. Each of the foregoing aspects of the Project were constructed by different subcontractors, at different times, and pursuant to different contracts. RSID also alleged that JWCC itself attempted to correct acknowledged defects in the work of some of its subcontractors, but that JWCC's repairs and/or efforts to repair were defectively performed and unsuccessful.

12. RISD alleged in the Lawsuit that: (a) JWCC's and its subcontractors' defective construction of and/or attempted repairs to the various aspects of the Project caused, among other things, physical harm and or damage to tangible property and resulting property damages from the time construction began through the date of filing suit; (b) the property damage was continuous and ongoing; and (c) remediation of the damaged property will necessitate tear out of otherwise non-damaged tangible property in the future.

13. JWCC notified Plaintiff, Defendants and other insurers of the Lawsuit and sought coverage under each of its insurance policies for the claims at issue. Defendants agreed to provide a defense to JWCC against the claims asserted in the Lawsuit pursuant to their respective policies.

**C. THE DISPUTE**

14. On April 25, 2017, RISD made a time-limited settlement demand on JWCC. The amount of this demand exceeded \$1 million. The Defendants advised Plaintiff that it was their position that the maximum coverage available for settlement under all of JWCC's primary insurance policies was \$1 million because: (a) this was the per occurrence policy limit of each primary policy; and (b) only one of these limits applied to the claims asserted against JWCC in the Lawsuit. Thus, despite the fact that the Defendant Primary Insurers issued multiple insurance policies to JWCC covering different periods and for which JWCC paid separate premiums, the Defendants took the position that the policy limit of only one of these policies applied to the claims asserted against JWCC in the Lawsuit.

15. Plaintiff advised the Defendants that their attempt to limit liability under their insurance policies to the per occurrence limit of a single policy was not supported by the facts of the Lawsuit and was contrary to Texas law. Plaintiff further advised the Defendants that the aggregate policy limits of all of their policies applied to the claims asserted against JWCC in the Lawsuit and that these limits exceeded the amount of RISD's settlement demand. Plaintiff demanded that the Defendants comply with their contractual obligations to JWCC by accepting RISD's settlement demand in full. Defendants refused.

16. Following these wrongful refusals, Plaintiff paid the policy limit of its 2006-2007 policy to settle the claims asserted against JWCC in the Lawsuit. Plaintiff's settlement payment was made involuntarily and subject to a full and complete reservation of rights against all of the Defendants.

**D. THIS ACTION**

17. In this action, Plaintiff seeks to recover from the Defendants the settlement contribution it made on behalf of JWCC in connection with the claims asserted in the Lawsuit. Plaintiff asserts the causes of action set forth herein in its individual capacity, as the equitable and contractual subrogee of JWCC, and/or as the assignee of JWCC.

18. All conditions precedent to recovery under the insurance policies at issue in this action have been performed, have occurred and/or have been waived.

19. All conditions precedent to the assertion of the causes of action set forth herein have been performed, have occurred and/or have been waived.

**V. CAUSES OF ACTION**

**COUNT I – BREACH OF CONTRACT**

20. Plaintiff LIUI incorporates the allegations set forth in paragraphs 1-19 above.

21. The settlement of the claims asserted against JWCC in the Lawsuit is covered by each of Defendants' policies.

22. The Defendants refusal to pay more than \$1 million of the settlement amount constitutes a breach on their respective insurance policies.

23. Plaintiff is the equitable and contractual subrogee, and the assignee, of JWCC's rights and causes of action against the Defendants.

24. As a direct and proximate result of Defendants' breaches of their respective insurance policies, Plaintiff sustained actual damages, including without limitation the amount of the payment it was compelled to involuntarily make to settle the claims asserted against JWCC in the Lawsuit.

25. Plaintiff is entitled to recover from the Defendants all of its contribution to the settlement of the Lawsuit, for which it now sues. Plaintiff is further entitled to recover from the Defendants its actual damages, consequential damages, attorneys' fees, court costs, and expenses for which it now sues.

## **COUNT II – CONTRIBUTION**

26. Plaintiff LIUI incorporates the allegations set forth in paragraphs 1 - 25 above.

27. Plaintiff's contribution to the settlement of the claims asserted against JWCC in the Lawsuit constitutes an amount which exceeds its liability and which it is was compelled to pay because of the Defendants' refusal to comply with their contractual obligations to JWCC under their respective policies.

28. Plaintiff is entitled to recover from the Defendants via contribution, separately and collectively, those amounts it was compelled to pay as a result of Defendants' respective refusals to comply with their contractual obligations to JWCC, for which it now sues. Plaintiff is further entitled to recover from the Defendants its actual damages, consequential damages, attorneys' fees, court costs, and expenses for which it now sues.

## **III. COUNT III – DECLARATORY JUDGMENT**

29. Plaintiff LIUI incorporates the allegations set forth in paragraphs 1 - 28 above.

30. A real, substantial and justiciable controversy exists between the parties concerning their respective rights and obligations with respect to the settlement of the claims asserted against JWCC in the Lawsuit.

31. Plaintiff asks the Court to declare the following as a matter of law:

- a. the settlement of the claims asserted against JWCC in the Lawsuit is covered by the insurance policies issued to JWCC by the Defendants;

- b. the claims asserted against JWCC in the Lawsuit involved damages caused by multiple “occurrences,” as defined in the Defendants’ policies; and
- c. the Defendants are obligated to reimburse Plaintiff all or part of the payment it made to settle the claims asserted against JWCC in the Lawsuit.

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff Liberty Insurance Underwriters Inc. respectfully requests that upon hearing and proper proof the Court enter judgment rendering the declarations requested herein and awarding all of its actual damages, attorneys’ fees, expenses and costs, pre- and post-judgment interest, and for such other and further relief, both special and general, at law or in equity, that it may show itself justly entitled.

**MARTIN, DISIERE, JEFFERSON &  
WISDOM, LLP**

By: /s/ Kevin L. Sewell  
**Kevin L. Sewell**  
State Bar No. 00789619  
sewell@mdjwlaw.com  
**Matthew Paradowski**  
State Bar No. 24027588  
paradowski@mdjwlaw.com  
Tollway Plaza One  
16000 N. Dallas Parkway, Suite 800  
Dallas, Texas 75248  
Telephone: (214) 420-5500  
Facsimile: (214) 420-5501

**ATTORNEYS FOR PLAINTIFF LIBERTY  
INSURANCE UNDERWRITERS INC.**

# EXHIBIT A-3

DC-17-11313

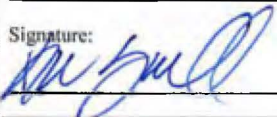
CAUSE NUMBER (FOR CLERK USE ONLY):

COURT (FOR CLERK USE ONLY):

STYLED Liberty Insurance Underwriters Inc. v. First Mercury Insurance Co., Travelers Lloyds Insurance Co. and Travelers Indemnity Co.

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

| 1. Contact information for person completing case information sheet:  |   | Names of parties in case:   |  | Person or entity completing sheet is:   |
|---|---|---|--|---|
| Name:<br>Kevin L. Sewell  | Email:<br>sewell@mdjwlaw.com  | Plaintiff(s)/Petitioner(s):<br>Liberty Insurance Underwriters Inc.  | <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner<br><input type="checkbox"/> Pro Se Plaintiff/Petitioner<br><input type="checkbox"/> Title IV-D Agency<br><input type="checkbox"/> Other:   |   |
| Address:<br>16000 N. Dallas Parkway, Ste. 800   | Telephone:<br>214-420-5500  | Defendant(s)/Respondent(s):<br>First Mercury Insurance Company,<br>Travelers Lloyds Insurance Company,<br>and Travelers Indemnity Company   | Additional Parties in Child Support Case:<br><br>Custodial Parent:<br><br>Non-Custodial Parent:<br><br>Presumed Father:  |   |
| City/State/Zip:<br>Dallas, Texas 75248  | Fax:<br>214-420-5501  | State Bar No:<br>00789619<br><br>[Attach additional page as necessary to list all parties]  |  |   |
| Signature:   |   |   |  |   |
| 2. Indicate case type, or identify the most important issue in the case (select only 1):  |   |   |  |   |
| Civil   |   |   | Family Law   |   |
| <b>Contract</b><br><i>Debt/Contract</i><br><input type="checkbox"/> Consumer/DTPA<br><input type="checkbox"/> Debt/Contract<br><input type="checkbox"/> Fraud/Misrepresentation<br><input type="checkbox"/> Other Debt/Contract:<br><br><i>Foreclosure</i><br><input type="checkbox"/> Home Equity—Expedited<br><input type="checkbox"/> Other Foreclosure<br><input type="checkbox"/> Franchise<br><input checked="" type="checkbox"/> Insurance<br><input type="checkbox"/> Landlord/Tenant<br><input type="checkbox"/> Non-Competition<br><input type="checkbox"/> Partnership<br><input type="checkbox"/> Other Contract: | <b>Injury or Damage</b><br><input type="checkbox"/> Assault/Battery<br><input type="checkbox"/> Construction<br><input type="checkbox"/> Defamation<br><i>Malpractice</i><br><input type="checkbox"/> Accounting<br><input type="checkbox"/> Legal<br><input type="checkbox"/> Medical<br><input type="checkbox"/> Other Professional Liability:<br><br><input type="checkbox"/> Motor Vehicle Accident<br><input type="checkbox"/> Premises<br><i>Product Liability</i><br><input type="checkbox"/> Asbestos/Silica<br><input type="checkbox"/> Other Product Liability<br>List Product:<br><br><input type="checkbox"/> Other Injury or Damage: | <b>Real Property</b><br><input type="checkbox"/> Eminent Domain/Condemnation<br><input type="checkbox"/> Partition<br><input type="checkbox"/> Quiet Title<br><input type="checkbox"/> Trespass to Try Title<br><input type="checkbox"/> Other Property:<br><br><b>Related to Criminal Matters</b><br><input type="checkbox"/> Expunction<br><input type="checkbox"/> Judgment Nisi<br><input type="checkbox"/> Non-Disclosure<br><input type="checkbox"/> Seizure/Forfeiture<br><input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment<br><input type="checkbox"/> Other: | <b>Marriage Relationship</b><br><input type="checkbox"/> Annulment<br><input type="checkbox"/> Declare Marriage Void<br><i>Divorce</i><br><input type="checkbox"/> With Children<br><input type="checkbox"/> No Children<br><br><b>Other Family Law</b><br><input type="checkbox"/> Enforce Foreign Judgment<br><input type="checkbox"/> Habeas Corpus<br><input type="checkbox"/> Name Change<br><input type="checkbox"/> Protective Order<br><input type="checkbox"/> Removal of Disabilities of Minority<br><input type="checkbox"/> Other: | <b>Post-judgment Actions (non-Title IV-D)</b><br><input type="checkbox"/> Enforcement<br><input type="checkbox"/> Modification—Custody<br><input type="checkbox"/> Modification—Other<br><br><b>Title IV-D</b><br><input type="checkbox"/> Enforcement/Modification<br><input type="checkbox"/> Paternity<br><input type="checkbox"/> Reciprocity (UIFSA)<br><input type="checkbox"/> Support Order<br><br><b>Parent-Child Relationship</b><br><input type="checkbox"/> Adoption/Adoption with Termination<br><input type="checkbox"/> Child Protection<br><input type="checkbox"/> Child Support<br><input type="checkbox"/> Custody or Visitation<br><input type="checkbox"/> Gestational Parenting<br><input type="checkbox"/> Grandparent Access<br><input type="checkbox"/> Parentage/Paternity<br><input type="checkbox"/> Termination of Parental Rights<br><input type="checkbox"/> Other Parent-Child: |
| Employment  |   | Other Civil   |  |   |
| <input type="checkbox"/> Discrimination<br><input type="checkbox"/> Retaliation<br><input type="checkbox"/> Termination<br><input type="checkbox"/> Workers' Compensation<br><input type="checkbox"/> Other Employment:   | <input type="checkbox"/> Administrative Appeal<br><input type="checkbox"/> Antitrust/Unfair Competition<br><input type="checkbox"/> Code Violations<br><input type="checkbox"/> Foreign Judgment<br><input type="checkbox"/> Intellectual Property  | <input type="checkbox"/> Lawyer Discipline<br><input type="checkbox"/> Perpetuate Testimony<br><input type="checkbox"/> Securities/Stock<br><input type="checkbox"/> Tortious Interference<br><input type="checkbox"/> Other:   |  |   |
| Tax   |   | Probate & Mental Health   |  |   |
| <input type="checkbox"/> Tax Appraisal<br><input type="checkbox"/> Tax Delinquency<br><input type="checkbox"/> Other Tax  | <b>Probate/Wills/Intestate Administration</b><br><input type="checkbox"/> Dependent Administration<br><input type="checkbox"/> Independent Administration<br><input type="checkbox"/> Other Estate Proceedings<br><br><input type="checkbox"/> Guardianship—Adult<br><input type="checkbox"/> Guardianship—Minor<br><input type="checkbox"/> Mental Health<br><input type="checkbox"/> Other:   |   |  |   |
| 3. Indicate procedure or remedy, if applicable (may select more than 1):  |   |   |  |   |
| <input type="checkbox"/> Appeal from Municipal or Justice Court<br><input type="checkbox"/> Arbitration-related<br><input type="checkbox"/> Attachment<br><input type="checkbox"/> Bill of Review<br><input type="checkbox"/> Certiorari<br><input type="checkbox"/> Class Action   | <input checked="" type="checkbox"/> Declaratory Judgment<br><input type="checkbox"/> Garnishment<br><input type="checkbox"/> Interpleader<br><input type="checkbox"/> License<br><input type="checkbox"/> Mandamus<br><input type="checkbox"/> Post-judgment  | <input type="checkbox"/> Prejudgment Remedy<br><input type="checkbox"/> Protective Order<br><input type="checkbox"/> Receiver<br><input type="checkbox"/> Sequestration<br><input type="checkbox"/> Temporary Restraining Order/Injunction<br><input type="checkbox"/> Turnover   |  |   |
| 4. Indicate damages sought (do not select if it is a family law case):  |   |   |  |   |
| <input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees<br><input type="checkbox"/> Less than \$100,000 and non-monetary relief<br><input type="checkbox"/> Over \$100,000 but not more than \$200,000<br><input type="checkbox"/> Over \$200,000 but not more than \$1,000,000<br><input checked="" type="checkbox"/> Over \$1,000,000   |   |   |  |   |

# EXHIBIT A-4

Marcus Turner

# Martin, Disiere, Jefferson & Wisdom L.L.P.

ATTORNEYS AT LAW

Tollway Plaza One • 16000 N. Dallas Parkway • Suite 800 • Dallas, Texas 75248 • Phone: 214-420-5500 • Fax: 214-420-5501  
www.mdjwlaw.com

DC-17-11313

KEVIN L. SEWELL  
PARTNER  
Direct: 214-420-5525  
e-mail: sewell@mdjwlaw.com

September 13, 2017

**VIA ELECTRONIC FILING**

Rosa Delacerda, Court Clerk  
95<sup>th</sup> Judicial District Court  
George L. Allen, Sr. Courts Building  
600 Commerce St., Box 640  
Dallas, Texas 75202

Re: Cause No. DC-17-11313; *Liberty Insurance Underwriters Inc. v. First Mercury Insurance Company, et al.*; in the 95<sup>th</sup> Judicial District, Dallas County, Texas.

Dear Ms. Delacerda:

Please prepare citations for all Defendants in the above referenced matter.

Thank you for your assistance in this matter. Should you have any questions, please feel free to contact me at your convenience.

Very truly yours,



Kevin L. Sewell

KLS/mlg

# EXHIBIT A-5

**FORM NO. 353-3 - CITATION  
THE STATE OF TEXAS**

**To: TRAVELERS INDEMNITY COMPANY  
BY SERVING ITS REGISTERED AGENT CORPORATION SERVICE COMPANY  
211 EAST STREET SUITE 620  
AUSTIN TX 78701**

**GREETINGS:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **95th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **LIBERTY INSURANCE UNDERWRITERS INC.**

Filed in said Court **31st day of August, 2017** against

**FIRST MERCURY INSURANCE COMPANY, TRAVELERS LLOYDS INSURANCE COMPANY  
AND TRAVELERS INDEMNITY COMPANY**

For Suit, said suit being numbered **DC-17-11313**, the nature of which demand is as follows:  
Suit on **INSURANCE** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.  
Given under my hand and the Seal of said Court at office this 14th day of September, 2017.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By /s/ Gay Lane, Deputy  
GAY LANE



**ESERVE**

**CITATION**

**DC-17-11313**

**LIBERTY INSURANCE  
UNDERWRITERS INC.**

**vs.**

**FIRST MERCURY INSURANCE et al**

**ISSUED THIS  
14th day of September, 2017**

**FELICIA PITRE  
Clerk District Courts,  
Dallas County, Texas**

By: GAY LANE, Deputy

**Attorney for Plaintiff  
KEVIN LAMAR SEWELL  
MARTIN DISIERE JEFFERSON &  
WISDOM LLP  
16000 N DALLAS PARKWAY  
SUITE 800  
DALLAS TX 75248  
214-420-5500**

**DALLAS COUNTY  
SERVICE FEES  
NOT PAID**

## OFFICER'S RETURN

Case No. : DC-17-11313

Court No.95th District Court

Style: LIBERTY INSURANCE UNDERWRITERS INC.

vs. FIRST MERCURY INSURANCE et al

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ .M. Executed at \_\_\_\_\_,  
within the County of \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ .M. on the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_, by delivering to the within named

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by  
me in serving such process was \_\_\_\_\_ miles and my fees are as follows: To certify which witness my hand.

|                      |          |                        |
|----------------------|----------|------------------------|
| For serving Citation | \$ _____ | _____                  |
| For mileage          | \$ _____ | of _____ County, _____ |
| For Notary           | \$ _____ | By _____ Deputy        |

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County \_\_\_\_\_

# EXHIBIT A-6

**FORM NO. 353-3 - CITATION  
THE STATE OF TEXAS**

**To: TRAVELERS LLOYDS INSURANCE COMPANY  
BY SERVING ITS REGISTERED AGENT CORPORATION SEVICE COMPANY  
211 EAST STREET SUITE 620  
AUSTIN TX 78701**

**GREETINGS:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **95th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **LIBERTY INSURANCE UNDERWRITERS INC.**

Filed in said Court **31st day of August, 2017** against

**FIRST MERCURY INSURANCE COMPANY, TRAVELERS LLOYDS INSURANCE COMPANY  
AND TRAVELERS INDEMNITY COMPANY**

For Suit, said suit being numbered **DC-17-11313**, the nature of which demand is as follows:  
Suit on **INSURANCE** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.  
Given under my hand and the Seal of said Court at office this 14th day of September, 2017.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By /s/ Gay Lane, Deputy  
GAY LANE



**ESERVE**

**CITATION**

**DC-17-11313**

**LIBERTY INSURANCE  
UNDERWRITERS INC.**

**vs.**

**FIRST MERCURY INSURANCE et al**

**ISSUED THIS  
14th day of September, 2017**

**FELICIA PITRE  
Clerk District Courts,  
Dallas County, Texas**

**By: GAY LANE, Deputy**

**Attorney for Plaintiff  
KEVIN LAMAR SEWELL  
MARTIN DISIERE JEFFERSON &  
WISDOM LLP  
16000 N DALLAS PARKWAY  
SUITE 800  
DALLAS TX 75248  
214-420-5500**

**DALLAS COUNTY  
SERVICE FEES  
NOT PAID**

## OFFICER'S RETURN

Case No. : DC-17-11313

Court No.95th District Court

Style: LIBERTY INSURANCE UNDERWRITERS INC.

vs. FIRST MERCURY INSURANCE et al

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ .M. Executed at \_\_\_\_\_,  
within the County of \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ .M. on the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_, by delivering to the within named

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by  
me in serving such process was \_\_\_\_\_ miles and my fees are as follows: To certify which witness my hand.

|                      |          |                        |
|----------------------|----------|------------------------|
| For serving Citation | \$ _____ | _____                  |
| For mileage          | \$ _____ | of _____ County, _____ |
| For Notary           | \$ _____ | By _____ Deputy        |

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County \_\_\_\_\_

# EXHIBIT A-7

Angie Avina

# Martin, Disiere, Jefferson & Wisdom L.L.P.

ATTORNEYS AT LAW

Tollway Plaza One • 16000 N. Dallas Parkway • Suite 800 • Dallas, Texas 75248 • Phone: 214-420-5500 • Fax: 214-420-5501  
www.mdjwlaw.com

KEVIN L. SEWELL  
PARTNER

Direct: 214-420-5525  
e-mail: sewell@mdjwlaw.com

October 9, 2017

**VIA ELECTRONIC FILING**

95<sup>th</sup> Judicial District Court

ATTN: Gay Lane

George L. Allen, Sr. Courts Building

600 Commerce St., Box 640

Dallas, Texas 75202

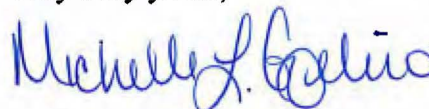
Re: Cause No. DC-17-11313; *Liberty Insurance Underwriters Inc. v. First Mercury Insurance Company, et al.*; in the 95<sup>th</sup> Judicial District, Dallas County, Texas.

Dear Ms. Lane:

Please prepare a citation for Defendant First Mercury Insurance Company in the above referenced matter.

Thank you for your assistance in this matter. Should you have any questions, please feel free to contact me at your convenience.

Very truly yours,



Michelle L. Gelino  
Assistant to Kevin L. Sewell

/mlg

# EXHIBIT A-8

Nikita Mosley

**FORM NO. 353-3 - CITATION  
THE STATE OF TEXAS**

**To: TRAVELERS INDEMNITY COMPANY  
BY SERVING ITS REGISTERED AGENT CORPORATION SERVICE COMPANY  
211 EAST STREET SUITE 620  
AUSTIN TX 78701**

**GREETINGS:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the 95th District Court at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **LIBERTY INSURANCE UNDERWRITERS INC.**

Filed in said Court 31st day of August, 2017 against

**FIRST MERCURY INSURANCE COMPANY, TRAVELERS LLOYDS INSURANCE COMPANY  
AND TRAVELERS INDEMNITY COMPANY**

For Suit, said suit being numbered DC-17-11313, the nature of which demand is as follows:  
Suit on **INSURANCE** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.  
Given under my hand and the Seal of said Court at office this 14th day of September, 2017.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By /s/ Gay Lane, Deputy  
GAY LANE



**ESERVE**

**CITATION**

**DC-17-11313**

**LIBERTY INSURANCE  
UNDERWRITERS INC.**

**vs.**

**FIRST MERCURY INSURANCE et al**

**ISSUED THIS  
14th day of September, 2017**

**FELICIA PITRE  
Clerk District Courts,  
Dallas County, Texas**

**By: GAY LANE, Deputy**

**Attorney for Plaintiff  
KEVIN LAMAR SEWELL  
MARTIN DISIERE JEFFERSON &  
WISDOM LLP  
16000 N DALLAS PARKWAY  
SUITE 800  
DALLAS TX 75248  
214-420-5500**

**DALLAS COUNTY  
SERVICE FEES  
NOT PAID**

## OFFICER'S RETURN

Case No. : DC-17-11313

Court No. 95th District Court

Style: LIBERTY INSURANCE UNDERWRITERS INC.

vs. FIRST MERCURY INSURANCE et al

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M. Executed at \_\_\_\_\_,

within the County of \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M. on the \_\_\_\_\_ day of \_\_\_\_\_,

20\_\_\_\_\_, by delivering to the within named \_\_\_\_\_

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on said date of delivery. The distance actually traveled by me in serving such process was \_\_\_\_\_ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ \_\_\_\_\_

For mileage \$ \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_

For Notary \$ \_\_\_\_\_ By \_\_\_\_\_ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

to certify which witness my hand and seal of office.

Notary Public \_\_\_\_\_ County \_\_\_\_\_

**RETURN OF SERVICE**

**Cause No. DC-17111313**

In the 95th Judicial District of  
Dallas County, Texas

LIBERTY INSURANCE  
UNDERWRITERS INC.  
Plaintiff

V.

FIRST MERCURY INSURANCE  
COMPANY, et al  
Defendant

Came to hand on October 06, 2017, at 10:15 AM.

Executed at 211 E 7th Street, Suite 620, Austin, TX 78701, within the County of Travis at 10:39 AM on October 06, 2017, by delivering to the within named:

**TRAVELERS INDEMNITY COMPANY,**

**by delivering to its Registered Agent, CORPORATION SERVICE COMPANY, by and through its designated agent, ROBERT WILLIAMS, a true copy of this Citation together with Plaintiff's Original Petition and Civil Case Information Sheet, having first endorsed upon such copy of such process the date of delivery.**

I certify that I am approved by the Supreme Court of Texas, Misc. Docket No. 05-9122 under rule 103, 501 and 501.2 of the TRCP to deliver citations and other notices from any District, County, and Justice Courts in and for the State of Texas. I am competent to make this oath; I am not less than 18 years of age, I am not a party to the above-referenced cause, I have not been convicted of a felony or a crime involving moral turpitude, and I am not interested in the outcome of the above-referenced cause.

By: \_\_\_\_\_

Jeff Keyton PSC-735,  
Exp: 7/31/2020

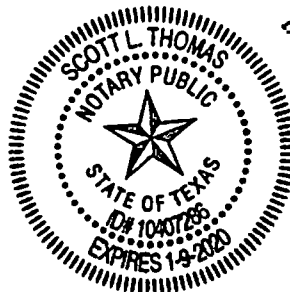
**VERIFICATION**

STATE OF TEXAS       §  
COUNTY OF TRAVIS   §

BEFORE ME, A NOTARY PUBLIC, on this day personally appeared Jeff Keyton, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are true and correct.

Given under my hand and seal of office this .

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS



# EXHIBIT A-9

Nikita Mosley

**FORM NO. 353-3 - CITATION  
THE STATE OF TEXAS**

**To: TRAVELERS LLOYDS INSURANCE COMPANY  
BY SERVING ITS REGISTERED AGENT CORPORATION SEVICE COMPANY  
211 EAST STREET SUITE 620  
AUSTIN TX 78701**

**GREETINGS:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **95th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **LIBERTY INSURANCE UNDERWRITERS INC.**

Filed in said Court 31st day of August, 2017 against

**FIRST MERCURY INSURANCE COMPANY, TRAVELERS LLOYDS INSURANCE COMPANY  
AND TRAVELERS INDEMNITY COMPANY**

For Suit, said suit being numbered **DC-17-11313**, the nature of which demand is as follows:  
Suit on **INSURANCE** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

**WITNESS: FELICIA PITRE**, Clerk of the District Courts of Dallas, County Texas.  
Given under my hand and the Seal of said Court at office this 14th day of September, 2017.

**ATTEST: FELICIA PITRE**, Clerk of the District Courts of Dallas, County, Texas

By /s/ Gay Lane, Deputy  
**GAY LANE**



**ESERVE**

**CITATION**

**DC-17-11313**

**LIBERTY INSURANCE  
UNDERWRITERS INC.**

**vs.**

**FIRST MERCURY INSURANCE et al**

**ISSUED THIS  
14th day of September, 2017**

**FELICIA PITRE  
Clerk District Courts,  
Dallas County, Texas**

**By: GAY LANE, Deputy**

**Attorney for Plaintiff  
KEVIN LAMAR SEWELL  
MARTIN DISIERE JEFFERSON &  
WISDOM LLP  
16000 N DALLAS PARKWAY  
SUITE 800  
DALLAS TX 75248  
214-420-5500**

**DALLAS COUNTY  
SERVICE FEES  
NOT PAID**

## OFFICER'S RETURN

Case No. : DC-17-11313

Court No.95th District Court

Style: LIBERTY INSURANCE UNDERWRITERS INC.

vs. FIRST MERCURY INSURANCE et al

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M. Executed at \_\_\_\_\_  
within the County of \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M. on the \_\_\_\_\_ day of \_\_\_\_\_  
20\_\_\_\_\_, by delivering to the within named \_\_\_\_\_

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was \_\_\_\_\_ miles and my fees are as follows: To certify which witness my hand.

|                      |          |                        |
|----------------------|----------|------------------------|
| For serving Citation | \$ _____ | _____                  |
| For mileage          | \$ _____ | of _____ County, _____ |
| For Notary           | \$ _____ | By _____ Deputy        |

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County \_\_\_\_\_

**RETURN OF SERVICE**

**Cause No. DC-17111313**

**In the 95th Judicial District of  
Dallas County, Texas**

**LIBERTY INSURANCE  
UNDERWRITERS INC.**

**Plaintiff**

**V.**

**FIRST MERCURY INSURANCE  
COMPANY, et al**

**Defendant**

Came to hand on October 06, 2017, at 10:15 AM.

Executed at 211 E 7th Street, Suite 620, Austin, TX 78701, within the County of Travis at 10:39 AM on October 06, 2017, by delivering to the within named:

**TRAVELERS LLOYDS INSURANCE COMPANY,**

**by delivering to its Registered Agent, CORPORATION SERVICE COMPANY, by and through its designated agent, ROBERT WILLIAMS, a true copy of this Citation together with Plaintiff's Original Petition and Civil Case Information Sheet, having first endorsed upon such copy of such process the date of delivery.**

I certify that I am approved by the Supreme Court of Texas, Misc. Docket No. 05-9122 under rule 103, 501 and 501.2 of the TRCP to deliver citations and other notices from any District, County, and Justice Courts in and for the State of Texas. I am competent to make this oath; I am not less than 18 years of age, I am not a party to the above-referenced cause, I have not been convicted of a felony or a crime involving moral turpitude, and I am not interested in the outcome of the above-referenced cause.

By: \_\_\_\_\_

Jeff Keyton PSC-735,  
Exp: 7/31/2020

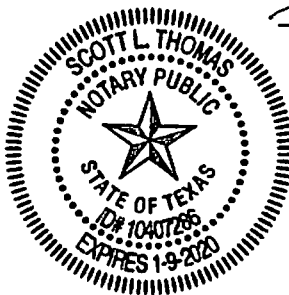
**VERIFICATION**

STATE OF TEXAS       §  
COUNTY OF TRAVIS   §

BEFORE ME, A NOTARY PUBLIC, on this day personally appeared Jeff Keyton, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are true and correct.

Given under my hand and seal of office this October 06, 2017.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS



# EXHIBIT A-10

FORM NO. 353-4—CITATION  
THE STATE OF TEXAS

To: FIRST MERCURY INSURANCE COMPANY  
BY SERVING THE COMMISSIONER OF INSURANCE  
333 GUADALUPE  
AUSTIN, TX, 78714-9104

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Your answer should be addressed to the clerk of the **95th District Court** at 600 Commerce Street, Dallas, Texas 75202.

Said **PLAINTIFF** being **LIBERTY INSURANCE UNDERWRITERS INC.**

Filed in said Court 31st day of August, 2017 against

**FIRST MERCURY INSURANCE COMPANY, TRAVELERS LLOYDS INSURANCE COMPANY AND TRAVELERS INDEMNITY COMPANY**

For suit, said suit being numbered **DC-17-11313** the nature of which demand is as follows:  
Suit On **INSURANCE** etc.

as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.

Given under my hand and the Seal of said Court at office **on this the 11th day of October, 2017**

ATTEST: FELICIA PITRE

Clerk of the District Courts of Dallas, County, Texas

By /s/ Gay Lane, Deputy  
**GAY LANE**



**DALLAS COUNTY  
SERVICE FEES  
NOT PAID**

ESERVE (COI)

CITATION

No.: **DC-17-11313**

**LIBERTY INSURANCE  
UNDERWRITERS INC.**

vs.

**FIRST MERCURY INSURANCE et al**

ISSUED

**ON THIS THE 11TH DAY OF OCTOBER,  
2017**

FELICIA PITRE

Clerk District Courts,  
Dallas County, Texas

By **GAY LANE**, Deputy

Attorney for : Plaintiff

**KEVIN LAMAR SEWELL**

**MARTIN DISIERE, JEFFERSON &**

**WISDOM LLP**

**16000 N DALLAS PARKWAY**

**SUITE 800**

**DALLAS TX 75248**

**214-420-5500**

Cause No. DC-17-11313

Court No: 95th District Court

Style: LIBERTY INSURANCE UNDERWRITERS INC.  
vs. FIRST MERCURY INSURANCE et al

**OFFICER'S RETURN  
FOR INDIVIDUALS**

Received this Citation the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock. Executed at \_\_\_\_\_, within the County of \_\_\_\_\_, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock, by \_\_\_\_\_ each in person, a copy of this Citation together with the accompanying copy of Plaintiff's original petition, having first indorsed on same the date of delivery.

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**OFFICER'S RETURN  
FOR CORPORATIONS**

Received this Citation the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_ M. Executed at \_\_\_\_\_, within the County of \_\_\_\_\_, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ M. by summoning \_\_\_\_\_ the within named Corporation, \_\_\_\_\_ by delivering to \_\_\_\_\_  
President - Vice President - Registered Agent - in person, of the said \_\_\_\_\_

a true copy of this citation together with the accompanying copy of Plaintiff's original petition, having first indorsed on same the date of delivery.

-----000000-----

The distance actually traveled by me in serving such process was \_\_\_\_\_ miles and my fees are as follows: To certify which witness by my hand.

|                      |          |                 |
|----------------------|----------|-----------------|
| For Serving Citation | \$ _____ | Sheriff         |
| For Mileage          | \$ _____ | County of _____ |
| For Notary           | \$ _____ | State of _____  |
| Total Fees           | \$ _____ | By _____        |

(Must be verified if served outside the State of Texas)

State of \_\_\_\_\_  
County of \_\_\_\_\_

Signed and sworn to me by the said \_\_\_\_\_ before me this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_, to certify which witness my hand and seal of office.

Seal

State & County of \_\_\_\_\_

# EXHIBIT A-11

RECEIVED

OCT 11 2017 @ 5:40 PM

Dianne Coffey

FORM NO. 353-4—CITATION  
~~THE STATE OF TEXAS~~

ESERVE (COI)

To: **FIRST MERCURY INSURANCE COMPANY**  
**BY SERVING THE COMMISSIONER OF INSURANCE**  
**333 GUADALUPE**  
**AUSTIN, TX, 78714-9104**

CITATION

No.: DC-17-11313

**LIBERTY INSURANCE**  
**UNDERWRITERS INC.**  
vs.  
**FIRST MERCURY INSURANCE et al**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Your answer should be addressed to the clerk of the **95th District Court** at 600 Commerce Street, Dallas, Texas 75202.

Said PLAINTIFF being LIBERTY INSURANCE UNDERWRITERS INC.

ISSUED  
ON THIS THE 11TH DAY OF OCTOBER,  
2017

Filed in said Court 31st day of August, 2017 against

**FIRST MERCURY INSURANCE COMPANY, TRAVELERS LLOYDS INSURANCE COMPANY AND TRAVELERS INDEMNITY COMPANY**

For suit, said suit being numbered **DC-17-11313** the nature of which demand is as follows:

Suit On **INSURANCE** etc.

as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

FELICIA PITRE  
Clerk District Courts,  
Dallas County, Texas

By GAY LANE, Deputy

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.

Given under my hand and the Seal of said Court at office on this the 11th day of October, 2017

ATTEST: FELICIA PITRE

Clerk of the District Courts of Dallas, County, Texas

Attorney for : Plaintiff  
**KEVIN LAMAR SEWELL**  
**MARTIN DISIERE JEFFERSON & WISDOM LLP**  
**16000 N DALLAS PARKWAY**  
**SUITE 800**  
**DALLAS TX 75248**  
**214-420-5500**

**DALLAS COUNTY**  
**SERVICE FEES**  
**NOT PAID**



By /s/ Gay Lane, Deputy  
**GAY LANE**

**OFFICER'S RETURN  
FOR INDIVIDUALS**

Cause No. DC-17-11313

Court No: 95th District Court

Style: LIBERTY INSURANCE UNDERWRITERS INC.  
vs. FIRST MERCURY INSURANCE et al

Received this Citation the 11th day of October, 2017 at 5:40 PM o'clock. Executed at \_\_\_\_\_, within the County of \_\_\_\_\_, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock, by delivering to the within named \_\_\_\_\_ each in person, a copy of this Citation together with the accompanying copy of Plaintiff's original petition, having first indorsed on same the date of delivery.

-----000000-----

**OFFICER'S RETURN  
FOR CORPORATIONS**

Received this Citation the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_ M. Executed at \_\_\_\_\_, within the County of \_\_\_\_\_, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ M. by summoning the within named Corporation, \_\_\_\_\_ by delivering to \_\_\_\_\_  
President - Vice President - Registered Agent - in person, of the said

a true copy of this citation together with the accompanying copy of Plaintiff's original petition, having first indorsed on same the date of delivery.

-----000000-----

The distance actually traveled by me in serving such process was \_\_\_\_\_ miles and my fees are as follows:  
For Serving Citation \$ \_\_\_\_\_ Sheriff \_\_\_\_\_  
For Mileage \$ \_\_\_\_\_ County of \_\_\_\_\_  
For Notary \$ \_\_\_\_\_ State of \_\_\_\_\_  
Total Fees \$ \_\_\_\_\_ By \_\_\_\_\_

To certify which witness by my hand.

(Must be verified if served outside the State of Texas)

State of \_\_\_\_\_

County of \_\_\_\_\_

Signed and sworn to me by the said \_\_\_\_\_ before me this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_, to certify which witness my hand and seal of office.

Seal

State & County of \_\_\_\_\_

**RETURN OF SERVICE**

**Cause No. DC-17-11313**

In The 95th Judicial District of  
Dallas County, Texas

LIBERTY INSURANCE  
UNDERWRITERS INC.

Plaintiff

V.

FIRST MERCURY INSURANCE  
COMPANY, et al

Defendant

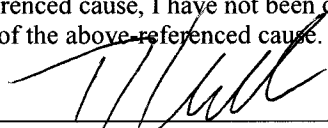
Came to hand on October 11, 2017, at 05:40 PM.

Executed at 333 Guadalupe St., Austin, TX 78701, within the County of Travis at 10:50 AM on October 12, 2017, by delivering to the within named:

**FIRST MERCURY INSURANCE COMPANY,**

**by delivering to THE TEXAS COMMISSIONER OF INSURANCE by and through designated agent, TISH WILHELM, true duplicate copies of this Citation together with Plaintiff's Original Petition and Civil Case Information Sheet, having first endorsed upon both copies of such process the date of delivery, and tendering the \$50 Statutory Fee.**

I certify that I am approved by the Supreme Court of Texas, Misc. Docket No. 05-9122 under rule 103 and 536(a) of the TRCP to deliver citations and other notices from any District, County, and Justice Courts in and for the State of Texas. I am competent to make this oath; I am not less than 18 years of age, I am not a party to the above-referenced cause, I have not been convicted of a felony or a crime involving moral turpitude, and I am not interested in the outcome of the above-referenced cause.

By:   
Thomas R. Kroll PSC-3012,  
Exp: 8/31/2019

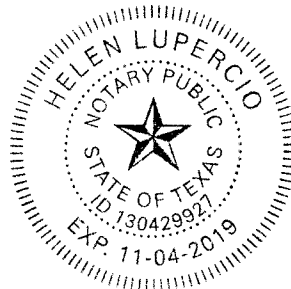
**VERIFICATION**

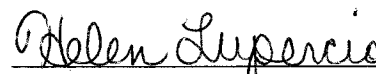
STATE OF TEXAS       §  
COUNTY OF TRAVIS   §

BEFORE ME, A NOTARY PUBLIC, on this day personally appeared Thomas R. Kroll, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are true and correct.

Given under my hand and seal of office this October 13, 2017.

17-029030/2840535



  
NOTARY PUBLIC, STATE OF TEXAS

# EXHIBIT A-12



**TEXAS DEPARTMENT OF INSURANCE**

**General Counsel Division (113-2A)**

333 Guadalupe, Austin, Texas 78701 ★ PO Box 149104, Austin, Texas 78714-9104  
(512) 676-6585 | F: (512) 490-1064 | (800) 578-4677 | TDI.texas.gov | @TexasTDI

October 13, 2017

Kevin L. Sewell  
Martin, Disiere, Jefferson & Wisdom, LLP  
16000 N. Dallas Parkway, Suite 800  
Dallas, Texas 75248

RE: Cause No.: DC-17-11313; styled *Liberty Insurance Underwriters Inc. v. First Mercury Insurance Company, Travelers Lloyds Insurance Company and Travelers Indemnity Company*; in the 95<sup>th</sup> Judicial District Court, Dallas County, Texas

Greetings:

On October 11, 2017, the enclosed documents were received in the office of the Commissioner of Insurance for service of process. The documents received are being returned to your office for the reasons indicated below.

**First Mercury Insurance Company's** mailing address must be indicated on the citation. Please refer to the Texas Administrative Code, Title 28, Chapter 7, Rule §7.1414. Enclosed is a company profile.

Refer to Chapter 804 of the Texas Insurance Code for service of process information.

Please do not hesitate to call me if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Tish Wilhelm".

Tish Wilhelm  
General Counsel  
[tish.wilhelm@tdi.texas.gov](mailto:tish.wilhelm@tdi.texas.gov)  
(512) 676-6543

Enclosures

c: Dallas County District Clerk  
**E-filed**

# EXHIBIT A-13

DC-17-11313

Marcus Turner

**Martin, Disiere, Jefferson & Wisdom L.L.P.****ATTORNEYS AT LAW**Tollway Plaza One • 16000 N. Dallas Parkway • Suite 800 • Dallas, Texas 75248 • Phone: 214-420-5500 • Fax: 214-420-5501  
www.mdjwlaw.com**KEVIN L. SEWELL**  
PARTNERDirect: 214-420-5525  
e-mail: sewell@mdjwlaw.com

October 27, 2017

**VIA ELECTRONIC FILING**95<sup>th</sup> Judicial District Court  
George L. Allen, Sr. Courts Building  
600 Commerce St., Box 640  
Dallas, Texas 75202Re: Cause No. DC-17-11313; *Liberty Insurance Underwriters Inc. v. First Mercury Insurance Company, et al.*; in the 95<sup>th</sup> Judicial District, Dallas County, Texas.

Dear Court:

Please prepare a new citation for Defendant First Mercury Insurance Company in the above referenced matter. The citation should be addressed as follows:

To: First Mercury Insurance Company  
c/o Marcia M. Paulsen, Vice President  
29621 Northwestern Hwy.  
Southfield, Michigan 48034  
BY SERVING The Texas Commissioner of Insurance  
333 Guadalupe  
Austin, Texas 78714

Thank you for your assistance in this matter. Should you have any questions, please feel free to contact me at your convenience.

Very truly yours,

Michelle L. Gelino  
Assistant to Kevin L. Sewell

/mlg

# EXHIBIT A-14

**PAGE 1**

Respectfully submitted,

/s/ Wm. Lance Lewis

WM. LANCE LEWIS  
State Bar No. 12314560  
MARCIE L SCHOUT  
State Bar No. 24007960

**QUILLING, SELANDER, LOWNDS,  
WINSLETT & MOSER, P.C.**

2001 Bryan Street, Suite 1800  
Dallas, Texas 75201  
(214) 871-2100 (Telephone)  
(214) 871-2111 (Facsimile)  
llewis@qslwm.com  
mschout@qslwm.com

**ATTORNEYS FOR DEFENDANTS  
TRAVELERS LLOYDS INSURANCE  
COMPANY AND TRAVELERS INDEMNITY  
COMPANY**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing pleading has been furnished to counsel of record, via electronic service, in accordance with the Texas Rules of Civil Procedure, this 30th day of October 2017 at the addresses indicated below:

Kevin L. Sewell  
sewell@mdjwlaw.com  
Matthew Paradowski  
paradowski@mdjwlaw.com  
Tollway Plaza One  
16000 N. Dallas Parkway, Suite 800  
Dallas, Texas 75248

/s/ Wm. Lance Lewis

Wm. Lance Lewis / Marcie L. Schout